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**IS CHARGED
WITH FRAUD**

**Attorney J. A. Magoon
Is Accused.**

FOUR DAUGHTERS SUE

**Say He Deceived Their Mother Into
Signing a Deed to Land
on Maui.**

J. A. Magoon is being sued by four daughters of a dead woman, who accuse him of obtaining by fraudulent representation a piece of land. Magoon, nine years ago, was made administrator of the estate of Alina, a Chinese merchant of Honolulu, the father of two of the plaintiffs, Aleka Alina and Ah Su Alina, and the husband of Meleama, a native. Meleama had also two other daughters, Nellie Pohaku and Loke Pohaku, by a Hawaiian husband.

When Alina died Magoon was made administrator of her estate, and held the confidence of Meleama till her death. During nine years, it is said, he made no accounting of his trust. The children allege he induced their mother to deed land on Maui for \$40 to him which is now worth \$750, and that the deed was obtained through Meleama's being deceived and deluded by Magoon. The children want the deed made void by the court and demand a quit claim deed for Magoon. W. W. Thayer is attorney for the plaintiffs.

Attorney Magoon asked the privilege of making a statement to be published in the Advertiser with the above, which privilege was freely granted. Up to the hour of going to press Mr. Magoon's statement had not been received.

In full, the petition in the suit is as follows:

First—That your petitioners, Nellie Pohaku and Loke Pohaku, are residents of Honolulu, Island of Oahu, Territory of Hawaii, and are the daughters of one Meleama, alias Meleama, a Hawaiian woman, and one Pohaku Alukulu, a Hawaiian man, the latter of whom died in Honolulu, in the year...

Second—That your petitioners, Aleka Alina and Ah Su Alina, are residents of Honolulu, Island of Oahu, Territory of Hawaii, and are the daughters of the aforementioned Meleama and one Alina, a Chinese merchant of Honolulu, who died in the City of Honolulu on October 23d, A. D. 1886.

Third—That the said Meleama died intestate in the City of Honolulu on the day of A. D. 1885, leaving your petitioners as her sole heirs.

Fourth—That the said Alina left a will which was duly admitted to probate by the Supreme Court of the Kingdom of Hawaii on the 25th day of November, A. D. 1885, and thus by the terms of the said will the said Alina appointed one Hung Poi as executor of said will.

Fifth—That objection having been made by certain of the legatees under the said will to the appointment of the said Hung Poi as executor of the said will, and the said Hung Poi having filed his renunciation of said office, J. A. Magoon of Honolulu, Island of Oahu, defendant herein, was by the said Supreme Court duly appointed as administrator of the estate of the said Alina with the will annexed.

Sixth—That thereafter, to wit, on the 7th day of December, A. D. 1886, the said J. A. Magoon duly qualified as administrator of the said estate of the said Alina with the will annexed, and filed a bond in the sum of \$250 for the due and faithful performance of the duties of his office as said administrator.

Seventh—That immediately following his appointment as said administrator the said J. A. Magoon took entire charge of the affairs of the estate of the said Alina and has been since and is still acting as said administrator and still has charge of said affairs.

Eighth—That owing to the appointment of the said J. A. Magoon as administrator of said estate the said Meleama, mother of your petitioners, who was a Hawaiian woman of little knowledge of the English language and entirely without business capacity or worldly knowledge, reposed in the said J. A. Magoon, who is an attorney at law of exceptional intelligence and business ability, the utmost trust and confidence, and left her affairs entirely in his hands, most asking not demanding from him any accounting whatsoever of any of his transactions with reference to her property.

Ninth—That said relation of trust and confidence existing between the said J. A. Magoon and the said Meleama continued from the time of the death of the said Alina, her husband, until the time of the death of the said Meleama or during a period of over nine years, and that during all said period no accounting was ever at any time made by the said J. A. Magoon of his transactions as said administrator, nor was he ever discharged by a court of competent jurisdiction or by any court whatever of his responsibilities as such administrator, nor has he yet been so discharged.

Tenth—That the said Meleama was the owner of certain property on the Island of Maui, consisting of ten and ten-hundredths (10-100) acres of land, more particularly described as Royal Patent No. 5074, Kuleana No. 5274, and located at Kanaala, Honuaia, Island of Maui, Territory of Hawaii, said property being her separate property owned by her by virtue of a deed to her in fee simple from one Kaawaapahu, her father, dated the 20th day of September, A. D. 1880, and recorded in Liber 64, page 288, in the office of the Registrar of Conveyances of the Hawaiian Islands, in the Judiciary building, in the City of Honolulu.

Eleventh—That on a certain date during the aforesaid period of administration, to wit, the 1st day of November, A. D. 1888, and while said relation of trust and confidence still existed, the said J. A. Magoon, taking advantage of

said confidential relation existing between himself as the said administrator and the said Meleama, did by fraudulent and false representations to the said Meleama induce and persuade the said Meleama to make to him an absolute deed to the said above described property expressed to be for the consideration of the sum of forty dollars (\$40) which said deed is recorded in Liber 121, page 481, in the office of the Registrar of Conveyances of the Hawaiian Islands in the City of Honolulu, a duly certified copy of which said deed is hereto attached and made a part hereof.

Twelfth—That the said Meleama was ignorant of the legal import of her said action in signing said deed and that she had no intention to make any deed whatsoever to the said property to the said J. A. Magoon, but that she was deceived and deluded by the said J. A. Magoon trusting him as she did implicitly, by reason of his relation to her as administrator of her husband's estate, and that the said defendant, J. A. Magoon, falsely and fraudulently and in violation of his duties as said administrator deceived and deluded and persuaded her against her will into signing said deed, well knowing that she was not aware of the legal import of her action in so signing, and intending and purposing to defraud her of her said property.

Thirteenth—That the said property is, as your petitioners are informed and fully believe, of the value of seven hundred and fifty dollars (\$750), while the said consideration of the said \$40 paid by the said J. A. Magoon for the said property was and is grossly and utterly and wholly inadequate, and by that very fact, if for no other reason, the whole transaction is unconscionable and fraudulent on its face.

Fourteenth—That owing to the nature of the said transaction, the relation of the said parties and the subject matter involved, your petitioners have no full, adequate and complete remedy at law.

And your petitioners hereby submit themselves to this Honorable Court to do whatever of equity shall seem meet.

Wherefore your petitioners respectfully pray of this Honorable Court:

First—That a writ of injunction issue from this Honorable Court against the said defendant, J. A. Magoon, and all his servants, counselors, attorneys, solicitors and agents and all others acting in aid or assistance for him, restraining them from in any way disposing of or attempting to dispose of the said property or in any way alienating or encumbering the same until the further order of this Court.

Second—That the process of this Honorable Court may issue against the said J. A. Magoon, defendant herein, ordering him to appear and answer to the foregoing bill of complaint and be bound by the proceedings thereunder.

Third—That the said defendant, J. A. Magoon, may be adjudged to hold the said deed from the said Meleama in trust for your petitioners and for their sole benefit as heirs at law of the said Meleama.

Fourth—That the said deed may be by this Honorable Court declared to be null and utterly void and of no effect and that said deed may be cancelled by this Honorable Court.

Fifth—That the defendant, J. A. Magoon, may be ordered and directed to execute a quit claim deed to the said property to the said petitioners.

Sixth—That the said property may be declared to be the property of your petitioners as heirs at law of Meleama, deceased and free from any cloud of title. Seventh—And for their costs herein and for such other and general relief as the Court in equity in good conscience may seem good.

**PAPA I'A IS
MAKING READY**

(Continued from Page 1.)

In them as gracefully as might be. The bed of charcoal was already lighted when we arrived and was now fully on fire. It was, we agreed, some 10 feet long, four feet wide and perhaps a foot deep. It was in a space fenced off from the courtyard, and on the side opposite us the crowd of men, women and children, pressed against the barrier. The fire was at present covered with ashes, but soon tenders entered the open space and with long-handled fans blew away the gray covering and fanned the charcoal until it was a mass of blazing, glowing embers. Little flames sprang up over it in all directions and one lady among us took up her umbrella to protect herself from the heat. Another of the party began to feel the headache which charcoal always caused her. There was no doubt in any one's mind that that fire was hot—blazing, burning hot, and something like sixteen feet of it, too. "O les malheureux, les malheureux!" exclaimed an excited French woman, as she fancied walking over those embers.

When all the ash was fanned away, and the fire had been beaten to a fevered glow with long poles, white-robed priests entered, one of whom, taking salt from a supply placed near us, attended the high priest as he went to each of the four corners of the fire, and each he clasped his hands, clasped them, and raised them high, as if in supplication, bent his head in prayer, and ended by strewing a handful of salt about him. It was the mention of a man sowing seed and he us few grains can have fallen in any one spot. At the middle of each side and end this was repeated. It was now growing dark, and the blazing embers threw a glow over the white dress of the priests. The high priest was a striking man; his motions were quick, decisive, intelligent, as he rapidly passed from one place to another; we could see his face distinctly, we were so close.

The darkness lent added effectiveness to the next ceremony. Each corner and side was now purified again, for purification it meant this time; the attendant struck a flint as the priest moved, and the sparks flying off into the dark, made a shower of tiny, thin yellow lights against the rich, glowing, red mass of charcoal and the darker crowd of figures beyond.

A drizzling rain was falling, but it affected the fire little. It was now beaten with poles until it glowed again, as the high priest ended his invocations. And before I understood what he was doing, a little scream from our French lady started me into realizing that, making no break or pause, with one of his swift motions, he had stepped out and along the fire path. The glow of colors from below on his white dress and dark skin was worthy of Rembrandt. He trod on the fire firmly, though quickly, and the other priests followed. The high priest walked nine times. He set each foot down firmly, and only once appeared to feel the smallest discomfort. Then he stepped somewhat to one side, by mistake it seemed, and visibly winced, carrying it

off by a series of affected steps, high in the air, as if it were all in his part.

After the priests came the crowd, women carrying children, a man with a sick person on his back, boys of all ages. Each stepped over a wet mat, through a small pile of salt, on to the fire. The salt was ordinary coarse salt (we had it analyzed), and the step across it was quick. At least six steps were necessary to cross the fire; some walkers took more, nearly all were fairly deliberate. One or two, I fancied, felt the heat uncomfortably, if not painfully, for on coming off the fire they wriggled their feet about in the pile of salt at the farther end, as if it cooled them. Most of them disregarded it altogether, often stepping across it without touching it. One child was afraid to walk and threw up its arm before its face as it stood by the fire, as if to ward off the heat; it was finally persuaded to venture, and stepping bravely on to the coals, apparently felt no discomfort. As pain would be a confession of impurity, of course there is a premium upon concealing it. But there was no concealment in the old woman who tucked up her kimono and trudged along the fire as prosaically as if she were going to market, planting one sturdy foot after the other in the red charcoal.

There was no preparation for our kurumaya, whom we recognized among the walkers. We had engaged him miles away and he had no thought of seeing the ceremony. We did not feel any of the feet of the walkers, but one of the party did so in November, and found the soft child's foot unscarred by the fire. A Japanese child's foot could scarcely be harder than a European man's, and the doubting European who once walked was disabled for some time by burns.

We left them still walking, men, women and children, as they chanced to leave the crowd, the high priest stepping forward now and again and tramping across with his spirited, quick, audacious tread, as if he defied the fire to harm him. We left them walking and set out to ride miles and miles to Szabu, an hour away, in korumas. The stars were out after the rain and the city was very still. Behind the lamps we could see the lights of the lamps and the shadows of those within, but the streets were empty and dark. Now and then a kuruma, gay with paper lanterns, passed, but few walkers. It was a long, tedious ride, but the pleasant cosmopolitan high tea which awaited repaid us for all. At one hospitable table English, American, French, Swiss and Scotch guests sat down together, equally tired, equally hungry and equally grateful to their hostess for her bountiful supplies. We reached Yokohama at midnight; we had set out before 9 that morning, but we had seen the new blossoms, and a miracle. Our day was not too long.

A claim has been made against the United States by the German Embassy for damages to the interests of German subjects in Cuba as a result of the Spanish-American war.

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